

SEP 23 2011

**PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

ConocoPhillips Company  
c/o United States Corporation Co.  
221 Bolivar Street  
Jefferson City, Missouri 65101

Dear Sir/Madam:

Re: Request for Information Pursuant to Section 104(e) of CERCLA for  
Former Lyons Diecasting Facility Site, Buckner, Missouri

The U.S. Environmental Protection Agency seeks the cooperation of the ConocoPhillips Company (ConocoPhillips) in providing information and documents relating to the Former Lyons Diecasting Facility Site, Buckner, Missouri (Site). The Site is located in Section 18, Township 50 North, Range 29 West, Jackson County, Missouri, commonly known as 2300 North Holly Road, Buckner, Missouri. A map outlining the Site is enclosed.

The EPA has information that the Site was once the location of a pipeline compressor station. According to Jackson County, Missouri deed records (Enclosure E), Sinclair Refining Company owned the Site from 1936 to 1950. In 1950, the Site was deeded to Sinclair Pipeline Company, which owned the property from December 31, 1950, to March 5, 1954.

Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601 et. seq., the EPA has documented the release or threatened release of hazardous substances, or pollutants or contaminants at the Site.

Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), provides the EPA the authority to require information from any party who may have information relevant to the release or threatened release of hazardous substance, pollutants or contaminants. This section also provides the EPA the authority to require information from any party relating to the ability of a person to pay for or to perform a cleanup.

Pursuant to Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), the EPA has broad information gathering authority which allows the EPA to require persons to furnish information or documents relating to the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed at a vessel or facility or transported to a vessel or facility, the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility, and ability of a person to pay for or to perform a cleanup.

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Superfund

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City, State, ZIP+4	

PS Form 3800, August 2006 See Reverse for Instructions

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While the EPA seeks your cooperation in this investigation, compliance with this Information Request is required by law. In addition, providing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes the EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to requests for submissions of required information.

Some of the information the EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish the EPA to treat the information confidentially, you must advise the EPA of that fact by following the procedures outlined in Enclosure B. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et. seq.

Instructions on how to respond to the questions in this document are described in Enclosure B. The instructions and definitions must be followed in responding to this information request. Your response to this Information Request must be mailed within **30 days** of your receipt of this letter to:

Robert Richards, Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101  
(913) 551-7502

If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of the EPA's investigations please contact Michael B. Davis, On-Scene Coordinator, at (913) 551-7328. However, if you have any legal questions or specific questions about this Information Request please contact Robert Richards, Assistant Regional Counsel, at (913) 551-7502. We look forward to your prompt response and appreciate your assistance in this matter.

Sincerely,

Mary Peterson, Chief  
Planning and Preparedness South Section  
Emergency Response and Removal South Branch  
Superfund Division

Enclosures: A - Instructions  
B - Definitions  
C - Questions  
D - Site Map  
E - Deeds

## ENCLOSURE A

### INSTRUCTIONS

1. Please provide a complete and separate response to each question and precede each answer with the number of the question to which it corresponds.
2. For every question contained herein, identify all persons consulted in the preparation of responses.
3. For every question contained herein, identify all documents consulted, examined, or referred to in the preparation of the response that contain information responsive to the question and provide true and accurate copies of all such documents.
4. If you currently lack information to answer any question completely, provide the responsive information currently available, efforts which you intend to make to secure the information currently unavailable, and the date you anticipate receiving the information currently unavailable.
5. **If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA.** Moreover, should you find at any time after the submission of this response that any portion of the submitted information is incomplete, false, or misrepresents the truth, you must notify the EPA thereof as soon as possible.
6. For each question contained herein, if the information responsive to the question is not in your possession, custody or control, then identify the persons from whom such information may be obtained.
7. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request, or who may be able to provide additional responsive documents, identify such persons.
8. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
9. The information requested herein must be provided notwithstanding its possible characterization as business confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. § 9604(e)(7)(E) and (F), and 40 C.F.R. 2.203(b), by attaching to such information at the time it is submitted a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary" or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you.

10. This Information Request is directed to Conocophillips Company and covers all information in its possession, custody, and control.

11. Whenever a full and complete answer to any question is contained in a document or documents, the documents may be supplied in place of a written answer provided that the specific sections or pages from the document that are responsive to the Question are identified. For each document produced in response to this Information Request, indicate on the document or in some other reasonable manner, the number of the Question to which it responds.

12. If you assert that certain documents, records, or other responsive information are privileged, you shall provide the EPA with the following:

- a. the title of the document, record, or other responsive information;
- b. the date of the document, record, or other responsive information;
- c. the names and titles of the author and recipient(s) respectively of the document, record, or other responsive information;
- d. a description of the contents of the document, reports, or other responsive information; and
- e. the privilege asserted by the Respondent.

13. A reasonable effort to locate responsive information and records must be made by you.

## **ENCLOSURE B**

### **DEFINITIONS**

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260 through 280, in which case the statutory or regulatory definitions shall apply. Unless otherwise indicated, the following definitions shall apply to the following terms as they are used in this Information Request.

1. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and telephone number, and present or last known job title, position or business.
2. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, address or, addressee and/or recipient, and the substance or the subject matter.
3. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memoranda of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack, any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.
4. The term "ConocoPhillips Company" or "ConocoPhillips" shall include the corporation, its officers and directors, and its agents and assigns.
5. The term "you" means ConocoPhillips Company or ConocoPhillips.
6. The term "Site" shall mean that portion of Section 18, Township 50 North, Range 29 West, Jackson County, Missouri, commonly known as 2300 N. Holly Road, Buckner, Missouri.
7. The term "person", in the plural and singular, means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, state, municipality, commission, political subdivision of a state, any interstate body or other entity.

8. The term "waste" or "wastes" means trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.
9. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.

## **ENCLOSURE C**

### **QUESTIONS**

1. Identify the person(s) answering these questions.
2. Describe your relationship to Sinclair Refining Company and Sinclair Pipeline Company.
3. Are you the successor through mergers or did you purchase either Sinclair Refining Company or Sinclair Pipeline Company? Is so, describe these mergers or purchases and provide merger and/or purchase documents. Has either company been sold by you? If so, to whom and when.
4. Describe the details of Sinclair Refining Company or Sinclair Pipeline Company's acquisition of the real property, personal property, and/or business operations at the Site. Provide a copy of the purchase document or documents showing what aspects of the former operation you purchased and from whom.
5. During what period of time did Sinclair Refining Company or Sinclair Pipeline Company operate at the Site?
6. Where on the property did Sinclair Refining Company or Sinclair Pipeline Company operate at the Site? (Show on enclosed map.)
7. What type of operations did you perform at the Site? Describe these operations in detail, including types of and name of manufacturer of machinery and operating plant used..
8. Did you ever have any above or below ground tanks at the Site? If so, describe what was stored in the tanks, the size of the tanks, and the disposition of the tanks, contents of the tanks, and any cleanup activities related to the tanks.
9. Did you ever use polychlorinated biphenyls (PCBs) at the Site? Is so, describe how the PCBs were used, including mixtures with any other substances.
10. If PCBs were used at the Site, describe how the PCBs were disposed.
11. Provide copies of documents in your possession related to the operations at the Site involving PCBs or tanks, including, but not limited to licenses, permits, and correspondence.
11. When was the Site sold and to whom? Provide documentation on the sale of the Site.
12. Have you ever been deemed a CERCLA potentially responsible party or RCRA responsible party at any other compressor or pipeline site where PCBs were used? If so, describe name, location, and details of your responsibility at the site.
13. Did Sinclair Refining Company or Sinclair Pipeline Company conduct any environmental investigation of the Site before purchase of the Site or at any other time? If so, provide a copy of the results of this investigation.

15. Identify any individuals who may have knowledge of any facts called for in this information request and include a brief description of the general area of knowledge for each individual.
16. Describe all records currently or formerly in your possession relating to the information requested in this information request. Identify the current custodian of these records and the location of the records. If any of these records have been destroyed, state the date and methods of such destruction.
17. Identify the person to whom EPA should address any future correspondence to you regarding this matter.
18. If you are withholding any information or documents on the basis of attorney work-product, attorney client privilege or any other privilege, provide a complete privilege log identifying each piece of information or document believed to be privileged, and the basis of the privilege, identify the individuals who made such determinations and the information that each individual specifically reviewed; if only portions of documents are claimed as privileged, provide the document with the privileged portion redacted.
19. Identify the locations where you have searched for records. Identify any archives where records or documents are located that pertain to matters inquired about in this Information Request and describe briefly the kinds of records that each archive is expected to have and provide the name, address, telephone number and e-mail address of the Point of Contact for permission to access these records or documents.
20. If you have any reason to believe that there may be persons able to provide a more detailed or complete response to any questions contained herein, or who may be able to provide additional responsive documents, identify such persons, how they may be contacted, and the additional information or documents that they may have.